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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/021,642	12/18/2001	Bradley John Meyer	15791-US	9203
30689	7590	10/25/2005	EXAMINER	
DEERE & COMPANY ONE JOHN DEERE PLACE MOLINE, IL 61265			NOVOSAD, CHRISTOPHER J	
			ART UNIT	PAPER NUMBER
			3671	

DATE MAILED: 10/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/021,642

Applicant(s)

MEYER ET AL.

Examiner

Christopher J. Novosad

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 June 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☒ Claim(s) 3-5 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applequist in view of Friggstad, Prairie et al. and Kinzenbaw et al.

Applequist shows a seeding machine (Fig. 1) comprising a longitudinally extending tow bar 28;

a main frame 30,40 transverse to the tow bar 28;

a wing frame 24 or 26 is pivotally mounted to the main frame 30,40 so that the wing frame 24 or 26 can be folded forward from a transverse working configuration (Fig. 2) to a longitudinal transport configuration (Fig. 1) along the tow bar 28;

a planting unit (best shown in the right side of Figs. 4 and 5) comprising a seed meter 144, an auxiliary hopper 142 and a ground engaging furrow opener 184.

The claims distinguish over Applequist in requiring (1) a pivot arm to have a first end and a second end, the first end of the pivot arm to be mounted to the wing frame, the pivot arm to have a working position and a transport position; a planting unit to be mounted to the second end of the pivot arm, when the pivot arm is in the working position the planting unit is in contact with the ground; when the wing frame is folded forward to the transport configuration, the pivot arm is rotated to the longitudinal transport position wherein the planting unit is pivoted to a vertical position longitudinally inward of the working position (as required in claim 1); (2) a

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hopper for holding seed; a flexible tube to extend between the hopper and the auxiliary hopper of the planting unit for directing seed from the hopper to the planting unit (as required in claim 1); (3) the pivot arm to have an intermediate position between the working position and the transport position, whereby the ground engaging furrow opener is no longer in contact with the ground.

With respect to (1), Friggstad shows a pivot arm 28 having a first end (unnumbered) and a second end (unnumbered), the first end (unnumbered) of the pivot arm 28 is pivotally mounted to the wing frame 20a, the pivot arm 28 having a working position and a transport position (Fig. 12); a unit 29 is mounted at 32 to the second end (unnumbered) of the pivot arm 28, wherein when the pivot arm 28 is in the working position the unit 29 is in contact with the ground; when the wing frame 20d or 20e (Fig. 5) is folded forward to the transport configuration (Figs. 5 and 12), the pivot arm 28 is rotated to the longitudinal transport position (Fig. 12) wherein the planting unit 29 is pivoted to a vertical position (Figs. 12 and 5) longitudinally inward of the working position.

As to (3), the pivot arm 28 of Friggstad necessarily has an intermediate position between the working position and the transport position (Fig. 12), whereby the unit 29 is no longer in contact with the ground.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized the structure in (1) and (3) in Friggstad in the machine of Applequist for greater stability and for greater structural integrity.

Regarding (2) Prairie et al. show a hopper 12 for holding seed; a flexible tube 20 that extends between the hopper 12 and the auxiliary hopper 13 of the planting unit (Fig. 1) for directing seed from the hopper 12 to the planting unit (Fig. 1).

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Also regarding (2), Kinzenbaw et al. show a hopper 36 for holding seed; a flexible tube 105 or 106 that extends between the hopper 36 and the auxiliary hopper 103 of the planting unit 92 for directing seed from the hopper 36 to the planting unit 92.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have utilized a main hopper with flexible tubes as shown in Prairie et al. or Kinzenbaw et al. connected to the auxiliary hoppers 142 of Applequist for greater storage capacity.

Response to Arguments

Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Allowable Subject Matter


Claims 3-5 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher J. Novosad whose telephone number is 571-272-6993. The examiner can normally be reached on Monday-Thursday 5:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas Will can be reached at 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Christopher J. Novosad
Primary Examiner
Art Unit 3671

October 20, 2005